



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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<http://ceo.lacounty.gov>

"To Enrich Lives Through Effective And Caring Service"

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November 05, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: FIRE DISTRICT
FIRE STATION 71 MODERNIZATION/EXPANSION PROJECT
CITY OF MALIBU
DELEGATE AUTHORITY TO EXECUTE INDEMNIFICATION AND
HOLD HARMLESS AGREEMENT
SPECS. 6860; CAPITAL PROJECT NO. 70779
(THIRD DISTRICT)
(3 VOTES)**

SUBJECT

This is a joint recommendation with the Fire Chief to approve the Indemnification and Hold Harmless Agreement for Development Within a Very High Fire Hazard Zone in favor of the City of Malibu, required as a standard condition for the issuance of Coastal Development Permit No. 08-074 by the City of Malibu.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that executing the Indemnification and Hold Harmless Agreement for Development Within a Very High Fire Hazard Severity Zone will have no potential impact on the environment and is not subject to the California Environmental Quality Act.
2. Approve and have the Chair of the Board execute the Indemnification and Hold Harmless Agreement for Development Within a Very High Fire Hazard Severity Zone accompanying this recommendation.

3. Authorize the Fire Chief of the Consolidated Fire Protection District of the County of Los Angeles, or his duly authorized representative, to take all further actions and execute all documents necessary and appropriate to complete the transaction after approval of such actions and/or documents by County Counsel.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions will approve the Indemnification and Hold Harmless Agreement for Development Within a Very High Fire Hazard Severity Zone (Agreement); authorize the Fire Chief of the County of Los Angeles Consolidated Fire Protection District to execute all documents necessary to complete the transaction; and find that executing the Agreement is not subject to the California Environmental Quality Act. Fire Station 71 is located at 28722 West Pacific Coast Highway in the City of Malibu.

On May 29, 2012, the Board awarded a design-build contract to Erickson-Hall Construction to complete the design and construction of the Fire Station 71 Modernization/Expansion Project. A Coastal Development Permit is required from the City of Malibu as part of the jurisdictional approvals for the Project. On June 3, 2013, the City Planning Commission issued Coastal Development Permit No. 08-074 for the Project. As a standard condition for approval, the City requires that the Fire District execute and record the Agreement. This is a standard condition required of all owners of projects approved by the City. The Agreement relieves the City of liability for issuing the Coastal Development Permit for the Project, should the fire station be damaged or destroyed due to a fire.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by maximizing the effectiveness of the County's processes, structure, and operations to support the timely delivery of customer-oriented and efficient public services. This Project will help achieve this goal as it is an investment in public infrastructure that will serve the City and surrounding communities.

FISCAL IMPACT/FINANCING

There is no cost impact associated with the execution of the Agreement. There is no impact to net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Agreement was reviewed and approved in form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

On September 6, 2011, the Board adopted a Mitigated Negative Declaration prepared for the Fire Station 71 Modernization/Expansion Project that found the project will not have a significant effect on the environment. On September 8, 2011, the Department of Public Works filed a Notice of Determination with the Registrar-Recorder/County Clerk in accordance with Section 21152(a) of the California Public Resources Code.

Execution of the Agreement is not subject to the CEQA, as it can be seen with certainty that the execution of the Agreement will not have an impact on the environment.

CONTRACTING PROCESS

Execution of the Agreement with the City is a required condition of approval for the issuance of Coastal Development Permit No. 08-074, and it must be executed and recorded prior to final inspection by the City's Planning Department.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects during the performance of the recommended services.

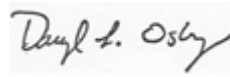
CONCLUSION

Please return one adopted copy of this Board letter and signed Indemnification and Hold Harmless Agreement to the Chief Executive Office, Facilities and Asset Management Division; Fire District; and Department of Public Works, Project Management Division II.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer



DARYL L. OSBY
FIRE CHIEF, FORESTER & FIRE WARDEN

WTF:SHK:DJT
SW:CY:zu

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Public Works

WHEN RECORDED, RETURN TO:

City of Malibu
Attention: City Clerk
23825 Stuart Ranch Road
Malibu, California 90265

**THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO
SECTION 27383 OF GOVERNMENT CODE, AND EXEMPT FROM
DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE
REVENUE AND TAXATION CODE**

**Indemnification and Hold Harmless Agreement for
Development Within a Very High Fire Hazard Severity Zone**

THIS INDEMNIFICATION AND HOLD HARMLESS AGREEMENT is made this _____ day of _____, 2013, by the Consolidated Fire Protection District of Los Angeles County (individually and collectively hereinafter referred to as "Property Owner") in favor of the City of Malibu ("City"), a municipal corporation.

RECITALS:

- A. Property Owner's property consists of Assessor's Parcel Number (APN) 4466-019-900, together with all improvements, household furnishings and effects, and personal property located therein and thereon, more commonly known as 28722 W. Pacific Coast Highway, Malibu, California ("the Property").
- B. The Property is used as a fire station and is located within or adjacent to an area subject to high wildfire hazards. As a fire service organization, Property Owner recognizes and understands that being located within a very high fire hazard severity zone means there is an extraordinary potential for damage or destruction from wildfires and an inherent risk to life and property.
- C. As a condition of approval of new development within or adjacent to an area subject to high wildfire hazards, Property Owner is required by the City to enter into an indemnity and hold harmless agreement with the City that indemnifies and holds harmless the City against any and all claims, demands, damages, costs, and expenses of liability arising out of the of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

NOW, THEREFORE, as required by the City to grant a building permit for the fire station, Property Owner agrees as follows:

1. Indemnification/Hold Harmless.

Property Owner agrees to indemnify, defend, and hold harmless City and its officers, officials, employees and volunteers from and against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of litigation) of every nature arising out of or in any way connected with acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project, or the performance of any work undertaken on the Property pursuant to any permit issued by the City.

2. Acknowledgement of Legal Counsel.

Property Owner has obtained the advice of legal counsel and has been advised of the nature and legal effect of the execution of this instrument. Property Owner executes this instrument with knowledge of its significance in consideration for issuance of a planning approval and/or building permit to construct a fire station on the Property which is located within or adjacent to an area subject to high wildfire hazards.

3. Binding Effect.

Property Owner agrees and acknowledges that this instrument shall be recorded against the title of the subject Property in the official records of the Los Angeles County Recorder. Property Owner agrees to cause this instrument to be recorded within 10 days of its execution and further agrees to provide the City with a stamped copy of the recorded document within 7 days thereafter.

This instrument shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in or to the subject Property or any portion thereof, and shall constitute notice of the high wildfire hazard that affects the Property. This instrument shall be terminated or modified only upon the express written consent of the City. In the event Property Owner sells, transfers, leases or otherwise conveys any interest or right of possession in the Property, Property Owner shall provide any such purchaser, lessee or transferee with a copy of this instrument.

4. Warranty of Authority.

Property Owner represents and warrants that he/she has the authority to execute this Agreement and to engage in the actions described herein.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Indemnification and Hold Harmless Agreement for Development Within a Very High Fire Hazard Severity Zone to be executed on its behalf by the Chairman of said Board effective on the date first written above.

ATTEST: COUNTY OF LOS ANGELES

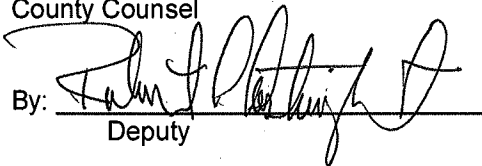
SACHI A. HAMAI
Executive Officer-Clerk of the
Board of Supervisors

By: _____
Deputy

By: _____
Mark Ridley-Thomas
Chairman, Board of Supervisors

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By:  _____
Deputy